

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

RICKY CARPENTER,

Debtor.

Case No. 11-40544-PJS

Chapter 7

HON. PHILLIP J. SHEFFERLY

**SUPPLEMENT TO MOTION IN LIMINE TO EXCLUDE IN-COURT
TESTIMONY OF DOSHIA M. BANKS' BECAUSE OF
HER REFUSAL TO PROVIDE DEPOSITION TESTIMONY AND DOCUMENTS**

Daniel M. McDermott, United States Trustee for Michigan and Ohio, for his Supplement states as follows:

1. On May 31, 2011, the United States Trustee filed his Motion in Limine to Exclude In-Court Testimony of Doshia M. Banks' Because of Her Refusal to Provide Deposition Testimony and Documents , Docket # 42.

2. At that time the transcript was not yet prepared and the United States Trustee indicated he would supplement the Motion when the transcript was available. The transcript is now available. Attached is a copy of the deposition of Doshia M. Banks referenced in the Motion.

3. The portions of the transcript most directly relevant to the Motion in Limine are contained within:

- a. Page 13, Line 25 through Page 17, Line 23, and
- b. Page 52, Line 11 through Page 56, Line 5.

Respectfully submitted,

DANIEL M. McDERMOTT
UNITED STATES TRUSTEE
Region 9

By /s/ Paul J. Randel (P58419)
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Trial Attorney
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211 West Fort St - Suite 700
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Dated: June 2, 2011

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

RICKY CARPENTER,
Debtor.

Case No. 11-40544-PJS
Chapter 7
Hon. Phillip J. Shefferly

The deposition of DOSHIA M. BANKS, taken
before Hope M. Markowitz, CSR-3900, Notary Public
in and for the County of Oakland, acting in the County
of Wayne, Michigan, at 211 West Fort Street, Suite
700, Detroit, Michigan, on Friday, May 27, 2011, at or
about 10:15 a.m.

APPEARANCES:

OFFICE OF THE UNITED STATES TRUSTEE
BY: PAUL J. RANDEL, ESQ.
211 West Fort Street, Suite 700
Detroit, Michigan 48226

On behalf of the U.S. Trustee.

ALSO PRESENT:

Karen Riggs

1	I N D E X		
2	Wi tness:		Page
3	DOSHI A M. BANKS		
4		Exami nati on by Mr. Randel	4
5			
6			
7			
8			
9			
10			
11	E X H I B I T S		
12	Number	Descri pti on	Page
13	Deposi ti on 1	Busi ness Card	33
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2 May 27, 2011
3 at or about 10:15 a.m.

4 --- --- ---

5 D O S H I A M B A N K S ,
6 was called as a witness and having been first duly
7 sworn to tell the truth, the whole truth and nothing
8 but the truth was examined and testified as follows:
9 MR. RANDEL: Good morning. We're here for
10 the deposition of Doshia Banks in Case Number
11 11-40544-PJS. This is In Re: Ricky Carpenter.
12 All right. Ms. Banks, have you ever given a
13 deposition before?

14 THE WITNESS: No.

15 MR. RANDEL: Okay. But you understand how a
16 deposition works?

17 THE WITNESS: Uh-huh.

18 MR. RANDEL: You have to answer out loud.

19 THE WITNESS: Yes.

20 MR. RANDEL: That was one of the things I
21 was going to say. There's a couple things that we
22 have to do to make a deposition work. One is you have
23 to let me finish the question before you answer. Do
24 you understand?

25 THE WITNESS: Yes.

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4

1 MR. RANDEL: And one is you have to answer
2 out loud. Do you understand that?

3 THE WITNESS: Yes.
Page 3

4 MR. RANDEL: If you need to take a break,
5 let us know and we'll take a break. But I hope we
6 won't be here that long. Okay?
7 THE WITNESS: Okay.
8 EXAMINATION
9 BY MR. RANDEL:
10 Q How did you first meet Ricky Carpenter?
11 A I met Ricky Carpenter -- he called my office.
12 Q And do you have any idea why he called your office or
13 how he knew to call your office?
14 A Yes.
15 Q What was that?
16 A He heard my show regarding home foreclosure
17 prevention.
18 Q Do you know approximately when that was?
19 A No.
20 Q Do you know approximately when he called?
21 A No.
22 Q All right. You are here as part of an order that we
23 agreed to the entry of, correct?
24 A Correct.
25 Q And one of the things you were supposed to do was make

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1 a payment to the court reporter for missing last week,
2 right?
3 A Correct.
4 Q And it was actually supposed to be by money order or
5 certified check but you gave her a personal check

Page 4

6 today, right?

7 A Business check, correct.

8 Q And that check will clear as far as you know?

9 A Today, yes.

10 Q All right. And did you bring any records with you?

11 A No. I -- well, let me take that back. Yes. I

12 brought his original petitions that he did for his

13 Chapter 7 bankruptcy.

14 Q Did you bring any other record than what you've

15 described as his original petitions?

16 A Other than the original petition, I brought in his

17 contract that he signed that Judge Shefferly already

18 reviewed and I also brought in another contract

19 whereas he had given me permission to have his credit

20 report pulled.

21 Q Other than that, have you brought anything else?

22 A No.

23 Q Do you have any other documents?

24 A Not much, no.

25 Q When you say not much, what do you mean?

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6

1 A I have other documents pertaining to his property, his

2 home, regarding what he hired us for.

3 Q Do you have a copy of that contract you mentioned?

4 A Yes.

5 Q May I see that, please?

6 A I may not have that. I have the other one.

7 Q Well, why don't you let me take a look at the other

Page 5

8 one while you're looking for the one that you are
9 still looking for.
10 By any chance is what you're looking at
11 (sic), the third page of what you handed me?
12 A Yes.
13 Q All right. You've handed me three pages. The first
14 says client release form?
15 A Correct.
16 Q The second page is a copy of a money order; is that
17 correct?
18 A Correct.
19 Q And then the third page says the DMB Self-Help Legal
20 Information Network Basic Service Agreement and then
21 in parenthesis Disclaimer, correct?
22 A Correct.
23 Q Other than this, do you have any contracts with
24 Mr. Carpenter?
25 A That's it.

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1 And that there is an old form.
2 Q Do you have a new form?
3 A Yeah. We have new forms. We've had new forms. It's
4 just a lot of -- when we first started the business,
5 it had a whole lot of forms and people had did stuff
6 for me and I then found out from the State of Michigan
7 that I couldn't have certain things, certain words, in
8 the documents so a lot of stuff had been changed. And
9 so in the process of several I should say employees,
Page 6

10 receptionists, secretaries -- starting a new business
11 is not -- they don't stay put so in other words, all
12 my records and stuff weren't exchanged like it should
13 have been.

14 Q When you say we, who's we?

15 A Individuals that assisted me in starting the business.

16 Q Are you the sole owner of the business?

17 A Yes.

18 Q What is the corporate name of the business?

19 A DMB Self-Help Information Network, Inc.

20 Q Did you form that business?

21 A Yes.

22 Q When did you form it?

23 A 2009 or eight.

24 It's on the United States Government Web
25 site under business entity and you can see the

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8

1 articles. I meant to bring those.

2 Q What do you mean by see the articles?

3 A The articles of incorporation it will show you.

4 Q And you say that on the U.S. Government?

5 A Well, no, State of Michigan Web site. Thank you.

6 Q Now, you said that you've changed this form?

7 A Uh-huh.

8 Q Is that a yes?

9 A Yes. When I found out that the word legal -- I

10 couldn't -- because of the type of business that I

11 have even though -- if I have attorneys that work with
Page 7

12 us and assist us, because they're not agents I cannot
13 have the word legal in my documentation.
14 Q And who told you that?
15 A State of Michigan.
16 Q How did they tell you that?
17 A Over the telephone.
18 Q So you spoke to somebody, who you believe worked for
19 the State of Michigan?
20 A Yes, when I was doing my articles. As a matter of
21 fact we had to redo them several times because of
22 that.
23 Q So the change you made to your form was you took the
24 word legal out?
25 A Correct.

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1 Q Did you change the services you provide?
2 A No, because it's document preparation.
3 Q When you had legal information network in your
4 documents, was it true?
5 A Meaning?
6 Q Were you providing legal information?
7 A Oh, no.
8 Q So why did you have it in the title?
9 A Because that was the name of the company that I came
10 up with at the time and in any documentation -- it's
11 just -- I guess that's my background. That's my
12 field. And I went in not -- with little knowledge of
13 what I could do and couldn't do.

Page 8

14 Q When you say you went in with little knowledge of what
15 you could and couldn't do, from where did you obtain
16 this knowledge?

17 A I'm a paralegal -- certified paralegal and I worked in
18 several law firms and I just thought that this would
19 be okay for me to do and when I named it -- because
20 that's my background and some of the things that I've
21 done.

22 Q When you say you thought this would be okay to do, did
23 you do any research into what legal restrictions there
24 would be on you?

25 A You know, I did research but I didn't research enough

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10

1 into Michigan laws.

2 Q What research did you do?

3 A I did a lot of research regarding -- through the
4 Internet, I made phone calls to several entities and
5 from my understanding it was a great idea, go for it
6 and that's what I done.

7 Q Where on the Internet did you get this information
8 from?

9 A Now, that was years ago. I searched. I just
10 searched.

11 Q You can't recall any source of this information?

12 A Not at this moment.

13 Q Did you do anything to ascertain whether that
14 information from the Internet was reliable?

15 A Well, yes, through several researches.

16 Q What do you mean by that?
17 A Meaning I just continued to research and I found it
18 would be okay. I just didn't know that in Michigan we
19 could not have the word legal in there. There are
20 other states that I'm finding out that actually do
21 what I do and it's okay for them to do it. So I was
22 just a little misinformed and lack of knowledge on how
23 to set up this business, how to operate the business,
24 within the laws.
25 Q You also said that besides the Internet you made some

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1 phone calls?
2 A Correct.
3 Q To whom?
4 A To several individuals that I know and just talked to
5 them about my idea.
6 Q Who were they?
7 A I spoke to -- I'm not going to divulge that
8 information.
9 Q The question I'm asking is who were these several
10 individuals you spoke to?
11 A They were friends and colleagues, if you will.
12 Q Okay. What are their names?
13 A I can't divulge that name. I refuse to.
14 Q What's your basis for refusing?
15 A I have none, actually.
16 Q What did they tell you?
17 A It's a great idea, go for it, a lot of people out here

18 would need that type of help.
19 Q Did they tell you whether it was legal in Michigan?
20 A Well, they -- no. They didn't say it was legal nor
21 did they say it was not legal. They stated that do
22 you understand that you can't give legal advice. I
23 said yes. Do you understand you can't represent
24 anybody? Yes. Do you understand that you cannot give
25 a retainer -- you can't quote them a retainer's fee or

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1 anything like? I said yes, I do, I understand all of
2 that. And that is something that everyone knows when
3 they come into the door so they make it preprinted
4 information that I may find or locate doing my own
5 research on actually other sites or if I go to
6 community services, they have information. So it's
7 basically a company that just helps give out
8 information to help individuals.
9 Q Wait. This is your company?
10 A Uh-huh.
11 Q Is that a yes?
12 A Yes.
13 Q Your company is a company that gives out information
14 to help individuals; is that what you're saying?
15 A Yes. Not just any --
16 Q You charge for it, right?
17 A -- information.
18 No. I charge for preparing documents.
19 Q And you give out the information for free?

20 A Of course.
21 Q Did you prepare documents in Ricky Carpenter's case?
22 A I prepared -- assisted him with the -- his documents
23 for bankruptcy.
24 Q What did you do to assist him?
25 A Type it in.

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1 Q How much did you charge him for that?
2 A Nothing for the bankruptcy.
3 Q What did you charge him for?
4 A I charged him for all the other items.
5 Q What were the other items?
6 A The other items were dealing with his home
7 foreclosure, which I'm not going to divulge into that,
8 preventing him from losing his property.
9 Q Any other items?
10 A No. That's what he came to us for. Oh, and pulling
11 his credit report for him.
12 Q So what did you do to prevent him from losing his
13 property?
14 A We're still in the process. It's a long process.
15 Q And you're charging him for it?
16 A Not anymore.
17 Q How much did you charge him?
18 A I charged him -- well, it's on there.
19 What does it add up to?
20 Q When say there, you're talking about the third page
21 that says the DMB Self-Help Legal Information Network?

22 A Eight fi fty.
23 Q Okay. So your charge was \$850; is that right?
24 A Correct.
25 Q And what do you do for the \$850?

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1 A We do several things and I'm not going to di vul ge how
2 I do, what I do, regarding the home forec losure
3 prevention program.
4 Q What did you do for Mr. Carpenter for the \$850?
5 A I'm still assisting him. We are still in the process.
6 Q What are you doing to assist him?
7 A I'm helping him to prevent him from losing his
8 property.
9 Q How are you doing that?
10 A Through several ways that I'm not going to di vul ge.
11 Q What's your basis for not di vul gi ng that?
12 A Because that's between my client and I. We are here
13 based upon the Chapter 7 bankruptcy and not for the
14 other programs that I offered him.
15 Q Okay. What's your legal basis for not answering the
16 question?
17 A I want to make sure I'm in the right of what I'm doing
18 because it appears that things are coming at me that I
19 don't understand and I just want to make sure before I
20 speak or say anything that I'm protected myself.
21 Q What do you mean by protected?
22 A I want to make sure that I'm in the right and I'm
23 doing what's right in the law -- under the law here in

24 Michigan. So if we're here for the bankruptcy, let's
25 divulge and talk about that but as far as the other

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1 programs he has not even given me permission to give
2 out all of his information.
3 Q What information do you have from him that you think
4 you need his permission to give out?
5 A I have other documents pertaining to his property.
6 Q Did you bring those with you?
7 A No, I did not.
8 Q Why not?
9 A Because that's not part of this particular case.
10 Q You charged Mr. Carpenter, correct?
11 A Correct.
12 Q And Mr. Carpenter is a debtor in bankruptcy, correct?
13 A Correct.
14 Q You appeared at a hearing in front of Judge Shefferly,
15 correct?
16 A Correct.
17 Q And Judge Shefferly told you about his concerns about
18 you charging Mr. Carpenter and Mr. Carpenter being a
19 debtor in bankruptcy, right?
20 A He discussed his concerns, yes, he did.
21 Q And you think that this deposition has nothing to do
22 with that; is that what you're saying?
23 A That's what I do believe.
24 Q Do you have a basis for believing that?
25 A Yeah. I believe I'm under the impression that I'm

- 1 here based on this court believing that I charged
2 Ricky Carpenter more than what I should have charged
3 preparing his bankruptcy paperwork.
4 Q You're refusing to answer my question?
5 A Yes.
6 Q Do you have a legal basis for refusing to answer my
7 question?
8 A At this moment, no.
9 Q You're refusing to produce the documents involving the
10 other services you provided for Mr. Carpenter?
11 A Yes.
12 Q Do you have a legal basis for that?
13 A Without his permission -- I mean, what's wrong with
14 privacy? This is a contract between myself and my
15 client.
16 Q What makes you think you need his permission?
17 A Because we signed confidentiality statements.
18 Q Do you have a copy of the confidentiality statement?
19 A No. I don't have that with me.
20 Q Well, do you have some reason to believe that your
21 confidentiality statement trumps the Court's order?
22 A No. Maybe not.
23 Q So where is the document?
24 A I don't have it.
25 Q Where is the confidentiality statement?

- 1 A I don't have them.
- 2 Q Why don't you have them?
- 3 A Because I didn't bring them.
- 4 Q Why didn't you bring them?
- 5 A I didn't pick it up, didn't put it in here. They're
- 6 still at the office.
- 7 Q You knew that the court order required that you bring
- 8 all the documents, correct?
- 9 A Correct.
- 10 Q But you thought you didn't have to bring it because of
- 11 your confidentiality statement?
- 12 A And I, also, thought that I shouldn't have to bring
- 13 them based on what I'm here for so I believe that was
- 14 something separate. So if I'm incorrect, I'm
- 15 incorrect.
- 16 Q What are the consequences of you being incorrect?
- 17 A Really there aren't any consequences, I believe.
- 18 Q Did you get legal advice that told you that you didn't
- 19 have to bring the documents today?
- 20 A No.
- 21 Q Did you seek legal advice about which documents you
- 22 had to bring today?
- 23 A No.
- 24 Q Did you seek legal advice before you created your
- 25 disclaimer that has the word legal in it?

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1 A No.

2 Q Why not?

3 A Because I really thought that I was right, I didn't

4 have to.

5 Q What's your basis for thinking it was right?

6 A My basis is my own thinking. That's my basis.

7 Q Other than your own thinking, what's your basis for

8 thinking anything you're doing is legal?

9 A Based on other things that I took a look at -- into,

10 individuals that I spoke with, who stated that it was

11 a great idea, so as far as hiring someone to do the

12 background for me and then take a look into to making

13 sure it was legally structured I did not do that

14 properly.

15 Q Did you do it at all?

16 A On my own basically.

17 Q What did you do on your own to make sure you were

18 behaving in a legal way?

19 A Trying to make sure that I wasn't doing the main three

20 things that I knew I couldn't do, which was give legal

21 advice and represent them in court and, also, quote

22 them a retainer's fee, etc., so those things I knew I

23 couldn't do. I just didn't understand about legal --

24 the word legal in the document and everywhere else at

25 the time that it was structured. So as I go on every

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1 day I'm learning more and more what to do and what not

2 to do.

3 Q And you intend to continue providing the same services

4 you've been providing, correct?

5 A No. I actually did some revamping.

6 Q What have you changed?

7 A What have I changed? I pretty much -- because of this

8 I'm trying not to do any -- I'm not doing any --

9 preparing any documents for bankruptcies until this

10 matter is cleared. I'm not sure how to actually go

11 about anything right now.

12 Q When you say anything, you mean anything related to

13 bankruptcy?

14 A Correct, because this is all new to me. I looked

15 up -- what is it? In one of the Complaints it states

16 a DRA and I said I'm not qual -- I'm not that but then

17 when I looked up what the law requires -- under

18 federal law what a DRA is and then they do put me in

19 there even though I don't say that I'm one of those,

20 so I'm learning as I go through this whole process.

21 Q Do you know what a DRA is?

22 A Debt relief agency.

23 Q You think you're not one?

24 A Well, I didn't think -- according to you all -- not

25 you all but according to what I read I realized I am

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20

1 but that's not what I was doing when I started this.

2 Q When did you realize you were a debt relief agency?

3 A This actually -- I didn't say I realized I was a debt

- 4 relief agency. I realized that under what I found
5 under the bankruptcy's (sic) laws that they classified
6 a document preparer under the debt relief agency and I
7 just found this out two days ago. So even in my
8 Complaints you can see when I stated that I denied
9 because I didn't know.
- 10 Q So in your answer to the Complaint you denied being a
11 debt relief agency; is what you're saying?
- 12 A Yeah. I didn't know that this was --
- 13 Q And now you know that that's not accurate?
- 14 A I know that under the bankruptcy law that they
15 classify me as that.
- 16 Q Why didn't you look that up before you signed your
17 answer?
- 18 A I actually -- I really looked everywhere. I don't
19 know why I didn't look it up. Someone was supposed to
20 assist me. They didn't.
- 21 Q Who is that someone?
- 22 A Donna Bettis.
- 23 Q Is she an attorney?
- 24 A Yes.
- 25 Q Did you pay her?

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21

- 1 A No.
- 2 Q All right. I'm going to ask you to take a look at the
3 third page of the documents you provided. Handwritten
4 in here it says services to be provided, Chapter 7
5 bankruptcy, parenthesis free consult. Do you see

6 that?
7 A Uh-huh.
8 Q Is that a yes?
9 A Yes.
10 Q What does that mean?
11 A That means his Chapter 7 is free and his consult was
12 free and -- do you want me to go further?
13 Q Well, what does consult mean?
14 A When you come in, sit down and talk.
15 Q Talk about what?
16 A His home prevention stuff.
17 Q What were you doing for the Chapter 7?
18 A He wanted me to -- he brought all his paperwork and me
19 to fill it in.
20 Q Did you do that?
21 A Yes.
22 Q All right. Then here it says foreclosure prevention;
23 is that right?
24 A Yes.
25 Q What did you do for that?

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22

1 A I'm still working on it.
2 Q What did you do, though?
3 A We assist him in keeping his property.
4 Q What steps do you take?
5 A We communicate with banks. We communicate with -- we
6 negotiate for him on his behalf along with providing
7 everything that they need.

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- 8 Q When you say we, that's the company?
- 9 A Correct.
- 10 Q Is there anybody there besides you?
- 11 A Of course. Staff.
- 12 Q How many staff members?
- 13 A One.
- 14 Q And does that individual do some of the negotiating?
- 15 A No.
- 16 Q It's all you?
- 17 A Yes.
- 18 Q What does the staff member do?
- 19 A Answer my phones, administrative work.
- 20 Q You mentioned that you are a paralegal, correct?
- 21 A Yes.
- 22 Q Where did you get your certification?
- 23 A Washington School For Paralegals in New York.
- 24 Q When did you do that?
- 25 A 2007, I believe. No. No. No. No. Six.

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23

- 1 Q Were you living in New York at the time?
- 2 A No, here.
- 3 Q Did you do it through correspondence or on-line?
- 4 A Uh-huh. Yes.
- 5 Q Is that a yes?
- 6 A Yes.
- 7 Q Was it on-line?
- 8 A Yes.
- 9 Q And do they give you some type of degree or

10 certi fi cate?
 11 A Yes.
 12 Q Do you have any other training as a paralegal , other
 13 than on the job, which we'll talk about later?
 14 A No.
 15 Other than on the job, meaning what I do
 16 now? I mean, I worked for other law firms.
 17 Q Well, I'm about to ask you about the work for law
 18 firms but I want to ask about school first.
 19 A Okay.
 20 Q So as far as school goes this is what you have,
 21 correct?
 22 A Yes.
 23 Q Do you have any other degrees before you went to
 24 paralegal school?
 25 A Before, no. No, not related to any of this.

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1 Q Well, do you have any other college of any kind?
 2 A Ministerial.
 3 Q Do you have a degree in ministerial?
 4 A We get certifications, get certified.
 5 Q Where is that from?
 6 A That is from Cogie Church of God in Christ and, also,
 7 United Methodist.
 8 Q So the Church of God in Christ -- did somebody certify
 9 you as a minister?
 10 A Yes.
 11 Q When was that?

- 12 A Oh, a long time ago. Years ago.
- 13 Q More than 10 years ago?
- 14 A Yes.
- 15 Q And then the United Methodist Church?
- 16 A That was probably -- it was in the 19 -- I'll say 1992
- 17 possibly.
- 18 Q So roughly then?
- 19 A Yeah.
- 20 Q And what, did you get some type of certificate as a
- 21 minister for the United Methodist Church?
- 22 A Yes.
- 23 Q And which one came first?
- 24 A Methodist.
- 25 Q Have you ever worked as a minister?

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- 1 A It depends on what you classify --
- 2 Q Have you ever worked as a minister for either the
- 3 Church of God in Christ or the United Methodist
- 4 Church?
- 5 A Within the ministry that I was attending, yes.
- 6 Q Did you get paid for that?
- 7 A No.
- 8 Q Okay. Have you ever worked as a minister for any
- 9 other organization?
- 10 A No.
- 11 Q Okay. You said you've worked for some lawyers,
- 12 correct?
- 13 A Correct.

- 14 Q When was the first time you worked for a lawyer?
- 15 A The year of -- wow. Probably 2005.
- 16 Q What was the name of the firm?
- 17 A Law Office of Jori n Rubi n.
- 18 Q I'm sorry. Can you say that, again?
- 19 A Law Office of Jori n Rubi n.
- 20 Q Do you know how to spell Jori n?
- 21 A J-O-R-I -N.
- 22 Q What type of law did -- is that a Mr. or Miss Rubi n?
- 23 A Ms. Famili y.
- 24 Q She did famili y law?
- 25 A Uh-huh.

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- 1 Q You have to answer --
- 2 A Yes. I'm sorry.
- 3 Q Approximately how long did you work there?
- 4 A For three and a half, four years.
- 5 Q Where did you work after that?
- 6 A ADAM.
- 7 Q That's the American Divorce Association For Men?
- 8 A Correct.
- 9 Q And that's actually a law firm?
- 10 A Right.
- 11 Q What are the lawyers' names?
- 12 A Oh, it's several. I'm just -- John Midtgard, Brent
- 13 Bowyer.
- 14 Or who I worked with? Do you want to do it
- 15 that way?

16 Q Well, why don't we start with what lawyer did you work
17 with in that firm?
18 A Okay. Jeff -- oh, God. He had a -- he has a Polish
19 last name. I can't think of his last.
20 Q So that would be --
21 A It's all in the same office.
22 Q It would be approximately 2008 or 2009 that you
23 started there?
24 A Let me see. Where did I say I was -- 2008.
25 Q Approximately how long did you work there?

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1 A I worked there about 11 months maybe.
2 Q Did you work for any other lawyers?
3 A Spindler & Stern.
4 Q And was that after ADAM?
5 A Correct.
6 And that was maybe two months.
7 Q What type of law did they do?
8 A General.
9 Q Did you work with one of the particular lawyers?
10 A Yeah, Lisa Stern.
11 Q Is she the Stern in Spindler & Stern?
12 A Correct.
13 Q You said she did general practice?
14 A Right. They did several things there.
15 Q Was bankruptcy one of the things?
16 A No.
17 Q And you said you only worked there two months; is that

18 right?

19 A Right.

20 And the same with Pazner Law Firm. All

21 layoffs by the way.

22 Q When you say layoffs, you mean they just didn't have
23 enough work to keep you?

24 A That's when the economy hit.

25 Q Approximately when did you work for the Pazner Law

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1 Firm?

2 A It had to be 2009. No. Let me see. Let me see.

3 This is '11, right? Yeah, 2009.

4 Q What type of work did the Pazner Law Firm do?

5 A Family law.

6 Q Any other law firms after Pazner?

7 A No.

8 Q What's Pazner's first name?

9 A Eric.

10 Q Were there any lawyers in the firm?

11 A Himself and he had hired a female. I can't remember
12 her name.

13 MR. RANDEL: Please keep your voice up so
14 she can hear you.

15 THE WITNESS: Oh, that female. I can't
16 remember her name.

17 Q (By Mr. Randel): After the Pazner Law Firm is that
18 when you formed your entity?

19 A Yes.

- 20 Q How do you market your company?
- 21 A How do I market? I have a site up.
- 22 Q When you say a site, you mean a Web site?
- 23 A Web site, uh-huh.
- 24 And just word of mouth.
- 25 Q What's your Web site address?

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- 1 A Dmbse l fhel p servi ces. org.
- 2 Q Is i t www?
- 3 A Uh-huh.
- 4 Q Is that a yes?
- 5 A Yes.
- 6 Q Www. dmbse l fhel p -- is that all one word?
- 7 A Correct.
- 8 Servi ces. org.
- 9 Q Are there any dashes or anything?
- 10 A No. No.
- 11 Q Do you have any other domain names?
- 12 A No.
- 13 Q Do you continually update the Web site?
- 14 A I haven't had time but I need to.
- 15 Q What do you mean by you need to?
- 16 A Because things change and I want to -- I don't like
- 17 it. I don't like my Web site.
- 18 Q Do you still advertise bankruptcy services on that
- 19 site?
- 20 A I haven't changed anything.
- 21 Q Is that a yes, then?

- 22 A Yes.
- 23 Q Are you still providing bankruptcy services?
- 24 A No.
- 25 Q And you're not while this plays out; is that right?

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- 1 A Pardon me?
- 2 Q And you're not while this plays out; is that what
- 3 you're saying?
- 4 A Yeah. That's what I'm saying. I'm not going to do
- 5 this until I need to know what I should do and
- 6 shouldn't do.
- 7 Q You incorporated the business about July of 2009; does
- 8 that seem right?
- 9 A Yes.
- 10 Q All right. Do you refer any of the people that come
- 11 to your business to attorneys?
- 12 A Yes.
- 13 Q Under what circumstances do you refer people to
- 14 attorneys?
- 15 A I can't do what they ask me to do. I only do document
- 16 preparation. They want help beyond what I can do.
- 17 They want advice and I can't do all those things.
- 18 Q Who are the attorneys you refer people to?
- 19 A I will refer to the attorneys that I worked with.
- 20 Jorin Rubin would be the main one I refer to.
- 21 Q Well, she does family law, correct?
- 22 A Uh-huh.
- 23 Q Is that a yes?

24 A Yes.

25 Some people come in for situations on that.

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1 Also, I was referring to Donna Bettis.

2 Q What types of cases were you referring to Donna
3 Bettis?

4 A It varies. Whether they take the case or not I don't
5 know but I know I can't help the people.

6 Q If you have somebody who needs bankruptcy help and
7 they need an attorney, who do you refer them to?

8 A I refer them to Donna Bettis.

9 Q In addition to people who need bankruptcy help, do you
10 refer people who need other types of help to Donna
11 Bettis?

12 A Yes.

13 Q All right. When was the last time that you helped
14 somebody with a bankruptcy?

15 A It's actually been possibly around -- maybe after
16 my -- during the time I was first here meaning
17 Shefferly, during Carpenter's show cause hearing, so
18 around there.

19 Q So I think in about March you went in front of Judge
20 Shefferly on Mr. Carpenter's show cause hearing,
21 right?

22 A Uh-huh.

23 Q Is that a yes?

24 A Yes.

25 Q And since then you haven't helped people with

- 1 bankruptcy; is that right?
- 2 A I've had individuals whose paperwork was already done
- 3 and waiting on them to come and get them so they can
- 4 have them filed so if they came after that, everything
- 5 is complete but it's just we have to sign it all and
- 6 if I did it, my name is going to go on there.
- 7 Q Approximately how many people is it in that category?
- 8 A I'm thinking two.
- 9 Q How many people have you done total?
- 10 A Oh, I don't know. Not that many.
- 11 Q Well, not that many 10 or not that many 50?
- 12 A Oh, not that many 10, not 50. Oh, gosh.
- 13 Q So you're saying 10 or fewer is the number of cases
- 14 you've handled?
- 15 A I would say that, yes.
- 16 Q And most of those people were charged a hundred
- 17 dollars; is that right?
- 18 A Yes, or less. I think a couple of them was like \$75.
- 19 Not much.
- 20 Q What percentage of your business did the bankruptcy
- 21 make up before you stopped doing it?
- 22 A Very small. I'll say maybe one percent.
- 23 Q Do you have any other clients like Mr. Carpenter where
- 24 you did their bankruptcies but contend that you
- 25 charged for something different?

- 1 A No.
- 2 Q All right. At one point you had a business card that
- 3 looked like this; is that right?
- 4 A Yes. That was in the very beginning.
- 5 MR. RANDEL: I should probably mark this,
- 6 then.
- 7 (Deposition Exhibit No. 1 was marked for
- 8 identification)
- 9 Q (By Mr. Randel): Take a look at what we've marked as
- 10 Exhibit 1. At one time that was your business card,
- 11 right?
- 12 A Right.
- 13 Q And I'm guessing you've made some changes; is that
- 14 right?
- 15 A Of course.
- 16 Q Approximately when did you prepare that business card?
- 17 A This business card was prepared in 2000 and I'll say
- 18 eight -- 2008 before the incorporation.
- 19 Q And then you've changed that card; is that right?
- 20 A Of course.
- 21 Q When did you make that change?
- 22 A After I found out that I couldn't do -- have the word
- 23 legal through the State of Michigan.
- 24 Q Do you remember approximately when that was?
- 25 A When I incorporated.

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1 Q How many of these business cards did you have made?
2 A I did it through Vistaprint It was like 250 you get
3 for free.
4 Q And do you have a different business card now?
5 A Yes.
6 Q Do you have one with you?
7 A Possibly. Possibly. I don't know. I might not have
8 any on me.
9 Q All right. That's okay. I'll just ask you a few
10 questions about this.
11 A Okay.
12 Q What change did you make to this business card for
13 your new business card?
14 A My -- the name of the company is the same except for
15 the word legal; it's out. The whole picture has
16 changed, whole format. Address is still the same.
17 Name is the same. Consultant is the same. Phone
18 number is the same. My e-mail and Web site are
19 different.
20 Q What's different about them?
21 A What's different is my e-mail is now
22 dmbselfhelpservices@yahoo.com and my Web site is
23 dmbselfhelpservices.org.
24 Q And so the domain name on this business card, the
25 www.dmblegalself-helpnetwork.org, you don't use

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1 anymore?
2 A Correct.

3 Q When did you stop using it?
4 A When I realized everything I had to change because of
5 the word legal.
6 Q Is the Web site still active?
7 A Yes.
8 Q So if somebody comes across that Web site, they can
9 still find you?
10 A Under dmbse/fhel pservi ces.
11 Q If somebody typed in the domain name --
12 A No.
13 Q -- on this business card --
14 A No. The company that did the domain name -- they
15 changed it so if --
16 Q Approxim ately when?
17 A Oh, you want a day and time?
18 Q Well, start with a month.
19 A Oh, the month. It wasn't long ago. It wasn't long
20 ago. It was this year.
21 Q Well, we're in May now, right?
22 A Right.
23 So I'm thinking maybe February -- no,
24 March. Maybe around March when I came here and I
25 realized that.

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1 Q What was your basis for thinking you made the change
2 approxi mately February or March?
3 A Because it was soon and I don't -- I cannot recollect
4 at this time so I'm just assumi ng.

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BANKSDOS V1.txt

5 Q Did you make any other changes to your Web site
6 content, other than changing the domain name?
7 A No; just added some stuff like events of some sort.
8 Nothing much.
9 Q As far as you know your Web site still says bankruptcy
10 service, correct?
11 A Correct. I don't believe the services were changed on
12 there yet.
13 Like I stated before, we -- I haven't had
14 time to go through there and do it let alone hire
15 somebody to do it.
16 Q Well, when you say you haven't had time, you mean
17 you're busy doing other things?
18 A Yes.
19 Q And those other things are your business; is that
20 right?
21 A No. I do more than just my business. I'm in ministry
22 so I do quite a bit of stuff.
23 Q Is your ministry connected to this business we're
24 talking about?
25 A Somewhat, yes.

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1 Q What does that mean?
2 A In the fact of helping people and encouraging them
3 just to not be afraid and do things that they can do.
4 Q Well, do you have any other corporations besides this
5 one?
6 A No.

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BANKSDOS V1.txt

- 7 Q Do you make any money as a minister?
- 8 A No. Depending. If I have speaking engagements, they
- 9 do give us an offering.
- 10 Q Have you had any speaking engagements in 2011?
- 11 A Not -- no, I haven't.
- 12 Q In 2010 did you have one or more?
- 13 A Yes.
- 14 Q So you made some money as a minister through speaking
- 15 engagements in 2010, correct?
- 16 A Yes.
- 17 Q And in 2011 you haven't made any money as a minister?
- 18 A No.
- 19 Q Other than this business, do you have any other
- 20 sources of revenue?
- 21 A No.
- 22 Q This business is set up as a for profit enterprise,
- 23 right?
- 24 A Correct.
- 25 Q You don't hold the business out as a ministry, do you?

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- 1 A No. It's complicated. There's nowhere ministry in
- 2 there, period, but it's just who I am.
- 3 Q Well, you said you had a radio show, right?
- 4 A Correct.
- 5 Q And the radio show is about the DMB Self-Help
- 6 business, not about your ministry, correct?
- 7 A Actually, it's both, one and the same. It's hard to
- 8 explain. It's a ministry and what we do is we just

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9 help individuals and yes, the business is for profit
10 and which actually helps support ministry work.
11 Q When you say the business helps support ministry work,
12 what do you mean by that?
13 A Meaning I -- anything that I have or what I do whether
14 it's through works or any finances I supported our
15 ministry and the ministry that I belong to.
16 Q Does the business keep books separate from your
17 personal books?
18 A I use the same account for everything, though.
19 Q So you're saying that if you make some money through
20 the business that enables you to do some of your
21 ministry work?
22 A I give from the business to the ministry.
23 Q What's the --
24 A Let me make this clear: I don't utilize my funds
25 through the company to go out and do ministry. I

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1 give.
2 Q Would you take a look --
3 MR. RANDEL: Actually, why don't we mark
4 that as Exhibit 2.
5 (Deposition Exhibit No. 2 was marked for
6 identification)
7 Q (By Mr. Randel): Would you take a look at this?
8 A Uh-huh.
9 Q That is a page from your Web site, correct?
10 A Correct.

- 11 Q And in here it talks about accepting donations, right?
- 12 A Correct.
- 13 Q Does your company take donations?
- 14 A We haven't yet, no.
- 15 Q But your Web site says you will take donations; is
- 16 that right?
- 17 A Yes, we will.
- 18 Q But no one has made a donation?
- 19 A Not yet, no.
- 20 Do you want some more clarity on this?
- 21 Q Well, I'm going to ask a few questions.
- 22 It says all donations are tax deductible
- 23 with two exclamation points, right?
- 24 A Correct.
- 25 Q Is that true?

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- 1 A Yes.
- 2 Q How would donations to your company be tax deductible?
- 3 A Because I also have a company, which they're
- 4 nonprofit, that I'm allowed to be under their umbrella
- 5 for donations. It's ministry purposes. Totally
- 6 separate.
- 7 Q What's the name of that company?
- 8 A Do I have to divulge that, too?
- 9 Q Yes, you do.
- 10 A Oh, okay. That company is -- oh, gosh. I don't have
- 11 that with me and it's in my phone but it's off.
- 12 Q Do you own that company?

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13 A No.
14 Q Who does?
15 A Her name is Mary.
16 Q What's Mary's last name?
17 A Blanch.
18 Q Is that company a 5013(c) corporation?
19 A Yes.
20 Q And your company is not, correct?
21 A Correct.
22 Q And your contention is that this invitation for people
23 to make tax deductible donations to DMB for its work
24 is based upon being under the umbrella of this other
25 company?

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1 A Yes.
2 Q Does Mary Blanch know you're running a for profit
3 enterprise and claiming that you can take tax
4 deductible donations?
5 A Yes. I asked her. She said okay.
6 Q And the plan would be that if somebody made a donation
7 to DMB believing it was tax deductible, what would DMB
8 do with that money?
9 A It would help people who can't afford or even want to
10 get services so we don't have to do everything for
11 free. There are a lot of people out here, who need
12 help, and they don't have anything.
13 Q So the plan would be that the money would go --
14 somebody's donation would go to DMB, correct?

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15 A Uh-huh.
16 Q Yes?
17 A Yes.
18 Q And DMB would take a client and the client wouldn't
19 have to pay the fee, the donation would pay the fee?
20 A Correct.
21 Q And the fee would be deposited in DMB's account,
22 right?
23 A No. It goes to the nonprofit.
24 Q Is that reflected on the Web site anywhere?
25 A No. Now that you bring it up it's a thought.

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1 Q If somebody made a donation to DMB, who would they
2 tell the taxing authority they made the donation to?
3 A To the nonprofit.
4 Q How would they even know about the nonprofit?
5 A The nonprofit -- because we would discuss -- we would
6 disclose that information. The nonprofit --
7 Q What the statement says here at DMB Self-Help we
8 appreciate any size donation that will enable us the
9 ability to assist those who cannot afford our services
10 and need help to advance to the next level of success,
11 right? That's what it says, right?
12 A Yes. Uh-huh.
13 Q If somebody made a donation to DMB, they could do it
14 by credit card, right?
15 A Right.
16 Q And then when they report it on their taxes that they

17 made the tax deductible donation, what would they
18 report?
19 A Oh, I see what you're saying. Okay. I see.
20 Q Do you see the problem?
21 A Yes, I do.
22 Q Have you looked at this before today?
23 A No.
24 Q Who types all this when it got onto the Web site?
25 A Well, I do and my administrative assistant. We do

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1 things.
2 I see exactly what you're saying so even
3 though in my mind and with the entity -- the nonprofit
4 entity -- how we're thinking when you read it like
5 that, it doesn't come across that way nor -- oh, I'm
6 just talking.
7 Q At one point you received a Notice for your deposition
8 in this case, right?
9 A Right.
10 Q And some time thereafter you signed your own Notice,
11 correct?
12 A Correct.
13 Q What made you think you could do that?
14 A I got information from someone. It was just all
15 wrong. Just all wrong.
16 Q Well, you're saying you --
17 A That in a deposition both -- normally in a
18 deposition -- and see, I'm beginning to understand

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19 this is a totally different law, totally different
20 court.
21 Q We're talking about bankruptcy court now, right?
22 A Right.
23 Q And as you sit here now you're saying you're beginning
24 to understand you're in bankruptcy court, right?
25 A Yes.

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1 Q And as you sit here now you recognize that bankruptcy
2 court had rules that you may not have had in family
3 court?
4 A Yes.
5 Q Don't you think you should have done that before you
6 started charging people?
7 A Yes.
8 Q In addition to this show cause order from the judge,
9 you're defending some adversary proceedings, right?
10 A Correct.
11 Q And you have -- no attorney has filed an appearance in
12 any of your cases?
13 A Yeah. I just found out that.
14 Q Have you paid any attorneys?
15 A No.
16 Q And did you think you had an attorney-client
17 relationship with any attorneys in those other cases?
18 A Yes.
19 Q Have you been getting advice?
20 A No. Well, the attorney, who was supposed to represent

21 me, had gave me advice and was actually going to be in
22 court that day but got sick and that attorney is Donna
23 Bettis.

24 Q That's in one of the adversary proceedings?

25 A In one of the adversary proceedings in which I had

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1 actually e-mailed you because I hadn't heard from her
2 and I was respond -- I kept calling and texting and
3 e-mailing and I got no response when I corresponded
4 with you to find out if they filled out the appearance
5 and contributed my answer.

6 Q It sounds like you're contending that bankruptcy
7 always was a very small part of your business; is that
8 right?

9 A Correct.

10 Q And the larger part of your business has to do with
11 foreclosure prevention?

12 A Possibly, and, I mean, several things. It's no big
13 thing. We're a very small company. We make very
14 little money. We don't do a lot of -- a lot of it is
15 ministry work and that's it. It's not a very
16 lucrative business. We get quite a few people, who
17 sometimes just want to talk.

18 Q Do you charge them for that?

19 A No.

20 Q You have an office location, correct?

21 A Correct.

22 Q Does the business pay rent to that location?

23 A Yes. I sublease.
24 Q What type of business do you sublease from?
25 A No. No. No. When I got the office, I used whatever

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1 monies I had to get the office. Then after awhile I
2 subleased out a couple of my offices to different
3 entities.
4 Q So what do you have to pay to the landlord, then?
5 A My whole -- I have to pay the whole rent.
6 Q How much is that?
7 A Oh, seven ninety.
8 Q Per month?
9 A Yes.
10 Q And then you sublease some space to some others; is
11 that right?
12 A Correct.
13 Q Is the landlord the building owner?
14 A They're in receivership so they --
15 Q Do you pay the receiver?
16 A We still pay it to the management and whoever they
17 give it to.
18 Q And you don't have any ownership interest to the
19 manager or the --
20 A Oh, no.
21 Q And then you sublease to how many different people?
22 A Three.
23 Q Do any of them do anything related to the same type of
24 work?

25 A No. They're totally separate.

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1 Q Are any of them attorneys?
2 A No.
3 Q What type of business are they?
4 A Oh, insurance and wiring -- telecommunications.
5 Q All three?
6 A Yes. Yes. All three are telecommunications and
7 insurance.
8 Q Do you provide copier and receptionist services for
9 them --
10 A No.
11 Q -- as part of the sublease?
12 A No. They bring their own.
13 Q All right. So what do you receive --
14 A They pay me one flat fee to rent the office.
15 Q And the three total -- what do they pay?
16 A My rent. About a hundred dollars. About a hundred
17 dollars. Yes.
18 Q You get a hundred dollars from each?
19 A No. I get about \$300 from each.
20 Q So if they all pay, you've actually got your rent
21 covered?
22 A Yes, because my company does not bring in money like
23 that. Remember --
24 Q Do you intend to do bankruptcy going forward?
25 A If the Court allows me after several changes and I get

1 some really clear understanding on the law. I don't
2 mind doing the documents. I don't mind helping the
3 people. If the Court will allow me to continue, I
4 would. If they find some reason why -- what I did --
5 why I did anything wrong in regards to preparing their
6 documents, I need to know. I'm not --
7 Q Where do you expect to get this clear understanding?
8 A I expect to get it here --
9 Q From me?
10 A -- in court.
11 No. I -- no.
12 Q From the judge?
13 A And from myself and from an attorney, who I just
14 called the other day when you told me no, there was no
15 appearance and I went hunting.
16 Q That attorney is somebody, other than Miss Bettis?
17 A Oh, yes.
18 Q Have you retained that attorney?
19 A We were trying to -- they called me all day yesterday
20 and I didn't even know they called but I sent them
21 over everything that I have. They are familiar --
22 actually, they're bankruptcy attorneys so they're
23 familiar with it and that's how I found out about the
24 ADR (sic).
25 What did I say?

- 1 Q The debt relief agency?
- 2 A Yes.
- 3 Q But the Complaints assert that you're a debt relief
- 4 agency and you've gotten those at least a month ago,
- 5 right?
- 6 A I know, and I just said no, I wasn't and I just had
- 7 improper help, if you will. Improper help.
- 8 Q From whom did the improper help come from?
- 9 A It came from the person I was working with, Donna
- 10 Bettis.
- 11 Q And the lawyer you've been talking to now is someone
- 12 else?
- 13 A Yes.
- 14 Q Who is that?
- 15 A It was on my phone.
- 16 Q Actually, at one point you had talked about a lawyer
- 17 named Watts, right?
- 18 A Yeah, who I met down -- I was in the law library,
- 19 trying to do some things and he approached me and said
- 20 that he would assist me and would help me. And we
- 21 definitely exchanged -- I gave money and he was
- 22 supposed to show up and then come to find out I had
- 23 the wrong -- the phone number he used was wrong,
- 24 the -- I couldn't find the card. I searched all over
- 25 to get that card, etc., had a difficult time so I

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1 realized I was scammed. I found out that he was not
2 even licensed any longer and I can't find him and the
3 person whose phone number that he had given me said
4 that he just came in there and didn't know that he
5 used their number for me to call so --

6 Q You called his office one day from court, right?

7 A That's the number that I had.

8 Q And when you called, they didn't say they didn't know
9 who that was, though, right?

10 A Exactly. That's what they said. He was utilizing
11 their number and just came in and was looking for
12 space there.

13 Q Did you walk into an office at one point to pay him?

14 A No. We were at the law library.

15 Q You paid him at the library?

16 A Not at that day, a second time.

17 Q But at the library?

18 A Yes.

19 MR. RANDEL: Why don't we take a break. I
20 want to see if you can find out who you're working
21 with now and that might help.

22 THE WITNESS: Okay. Great.

23 MR. RANDEL: Can you go off the record for a
24 second?

25 (Whereupon a short recess was taken)

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1 (Deposition Exhibit No. 3 was marked for
2 identification)

- 3 Q (By Mr. Randel): All right. You found out -- got the
4 name of the attorney you've been talking to; is that
5 right?
- 6 A Correct.
- 7 Q And his name is?
- 8 A It's Adel Fakhouri and the spelling is F-A-K-H-O-R-Y
9 (sic).
- 10 Q And he's also working with Michael Jaafar; is that
11 what you said?
- 12 A Correct.
- 13 Q But you haven't spoken with Mr. Michael Jaafar?
- 14 A I haven't, no. I've actually spoken with Adel and his
15 partner at his law firm on Wednesday.
- 16 Q Do you know Mr. Fakhouri's partner's name?
- 17 A Farris is the last name.
- 18 Q Farris?
- 19 A No. Farris is the first name. Haddad is the last
20 name.
- 21 Sounds familiar?
- 22 Q You're considering retaining them to help you in some
23 of these cases?
- 24 A All of them.
- 25 Q You've told them if they're going to get involved in

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- 1 this case, they have to do it right away, correct?
- 2 A Correct.
- 3 Q And you told them that I'm the lawyer for the U.S.
4 Trustee on the case?

- 5 A Correct.
- 6 Q All right. You mentioned that -- previously mentioned
- 7 that you provide some services -- you provided some
- 8 services to Mr. Carpenter that you don't think were
- 9 related to bankruptcy; is that right?
- 10 A Correct.
- 11 Q And you've previously refused to answer the questions
- 12 that I've asked about what that was, right?
- 13 A Correct.
- 14 Q And we've gone a little further down the road here.
- 15 You know what types of things I'm interested in,
- 16 right? Is that right?
- 17 A Yes.
- 18 Q Are you now prepared to talk about the services you
- 19 provided to Mr. Carpenter?
- 20 A No.
- 21 Q And before you concede you don't have a legal basis to
- 22 refuse to answer, right?
- 23 A Well, for the record -- for the record because I'm
- 24 seeking counsel and counsel and I have not been able
- 25 to sit down and discuss everything together I refuse

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- 1 to just speak on that right now until I get proper
- 2 advice.
- 3 Q You realize the hearing on this case is a week from
- 4 Monday, right?
- 5 A No.
- 6 Q When do you think the hearing on this is?

7 A What's Monday -- a week from Monday? I thought it was
8 the latter part -- I got too many cases confused.
9 Q Today is the day of your deposition, right?
10 A Correct.
11 Q You've known about the hearing since March when the
12 judge set the -- issued his order, right?
13 Here's my problem: I need the information
14 before the hearing.
15 A Okay.
16 Q You're refusing to provide it and you don't have a
17 legal basis. Your stated basis is you want to confer
18 with counsel?
19 A Correct.
20 Q You've had a substantial period of time to do that and
21 there's no more time for you to give me the
22 information so I don't have a choice but to ask the
23 Court for a remedy if you refuse to provide this
24 information that you are obligated to provide now.
25 A What you'll do is possibly if you'll speak with my

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1 attorney and we'll take it from there. I cannot say
2 much right now.
3 Q All right. You mentioned that you got advice from
4 friends and colleagues, correct?
5 A Correct.
6 Q And before you wouldn't reveal who they were. Will
7 you tell me who they are now?
8 A I gave you a few names. That's all I'm going to say.

9 Q What names did you give?
 10 A I gave you Donna Bettis.
 11 Q Did you talk to anybody besides Donna Bettis?
 12 A Yeah; just some friends that it wouldn't even matter.
 13 They don't know. They only stated -- thought this was
 14 a great idea, period.
 15 Q Were these people who had done this?
 16 A No.
 17 Q Did they tell you what their basis was for thinking
 18 this was a great idea, other than you thought you
 19 could make money doing it?
 20 A It wasn't even about money; it was about helping
 21 people.
 22 Q Did any of these people have any -- did you have any
 23 reason to think any of these people had any insight?
 24 Are you refusing to answer that?
 25 A Yes.

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1 Q Do you have a legal basis to refuse to answer that?
 2 A The legal basis is I am not going to divulge anything
 3 until I speak with my attorney, which I wished I could
 4 have before the deposition, but due to the fact that
 5 we only met over the telephone on Wednesday prior to
 6 this after I found out that I did not have Attorney
 7 Bettis any longer and who was not answering any of my
 8 calls so I am here without any type of help legally.
 9 Q Other than that, do you have any legal reason not to
 10 answer my question -- any legal basis not to answer my

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11 question?

12 A No.

13 Q And you have documents about the other services you
14 provided to Mr. Carpenter that you didn't produce
15 today, right?

16 A Correct, his personal documents.

17 Q And other than saying they're his personal documents,
18 do you have any legal basis not to produce those? You
19 have to answer out loud. You have to answer out
20 loud.

21 A No. Privacy, private contract between myself and my
22 client.

23 Q And you're refusing to provide me the documents about
24 the private contract between you and your client,
25 right?

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1 A Correct.

2 Q Do you have a legal basis to refuse to produce that?

3 A Can't answer that without counsel.

4 Q You don't know if you have a legal basis?

5 A Right. Don't know.

6 MR. RANDEL: All right. I have no further
7 questions. If you had an attorney, it would be your
8 attorney's opportunity to ask any questions so if you
9 wanted to put anything on the record about the case,
10 this would be your opportunity. You're under no
11 obligation to do so.

12 THE WITNESS: Oh, okay. No. I need legal

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14 advi ce.
15 MR. RANDEL: Okay. Thank you.
16 That wi ll conclude the deposi ti on.
17 THE WI TNESS: You' re wel come. Thank you.
18 (Deposi ti on concluded at 11: 35 a.m.)

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1 CERTI FI CAT I ON
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3 STATE OF MI CHI GAN)
4 COUNTY OF OAKLAND) } ss
5
6
7 I, Hope M. Markowit z, Notary Publ ic and Court Reporter
8 in and for the above county and state, do hereby
9 certi fy that the deposi ti on of DOSHI A M. BANKS was
10 taken before me at the ti me and pl ace herei nbef ore set
11 forth; that the wi tness was by me fi rst duly sworn to
12 testi fy to the truth, the whole truth and nothing but
13 the truth; that thereupon the foregoi ng questi ons were
14 asked and foregoi ng answers made by the wi tness, whi ch

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15 were duly recorded by me stenographically, and by my
16 later reading from stenographic notes prepared the
17 foregoing deposition transcript in final form; and I
18 certify that this is a true and correct transcript of
19 my stenographic notes so taken.

20

21

22

23

HOPE M. MARKOWITZ, CSR-3900
Notary Public
County of Oakland, State of Michigan
My Commission expires: 12-10-12

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